IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

DATE OF DECISION: 15.9.2006

Surjit Singh

...Appellant

versus

Smt.Shanti Rani @ Jyoti Bhatia and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr.Justice Mahesh Grover.

Present: Mrs.G.K.Mann, Advocate,
for the appellant.

UMA NATH SINGH, J. (ORAL)

In this FAO by the owner of the offending vehicle against an award dated 7.3.2005 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Ambala, in MACT Case No.188 of 2003, the claimants have been awarded a sum of Rs.4,55,600/- in death case of a 50 years old man said to be a pensioner, and also gainfully engaged in property dealing business. The appeal has been filed with an ordinate delay of 438 days. The explanation given does not show a sufficient cause for condoning the delay. Learned counsel referred to three judgments, two of Hon'ble the Apex Court and one of Rajasthan High Court, namely, (i) 2000(3) RCR (Civil) 281 (M/s Essar Constructions vs. N.P.Rama Krishna Reddy), (ii) 2005(3) SCC 752 (State of Nagaland vs. Lipok AO), and (iii)2004(3) RCR (Civil) 339 (Trilok Chand Saini vs. State, Rajasthan).

We have carefully gone through the judgments but there is another judgment of Hon'ble the Apex Court reported in AIR 1998 SC 2276

(P.K.Ramachandran versus State of Kerala and another), wherein it has categorically been held that the Courts cannot extend the limitation on equitable ground. That apart, we have also examined the award. The quantum of compensation assessed by the Tribunal after taking into account various factors appears to be just and reasonable.

Accordingly, we are not inclined to entertain the appeal and it is dismissed on the ground of delay.

(UMA NATH SINGH)
JUDGE

September 15, 2006 **(MAHESH GROVER)**
pk **JUDGE**